

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND ALFORD BRADFORD,

Plaintiff,

v.

J. CEBALLOS, et al.,

Defendants.

No. 1:20-cv-01821-DAD-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S REQUEST TO PROCEED IN
FORMA PAUPERIS

(Doc. Nos. 2, 4)

Plaintiff Raymond Alford Bradford is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. On December 28, 2020, plaintiff commenced this action by filing a complaint (Doc. No. 1) and a motion to proceed *in forma pauperis* (Doc. No. 2). The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 6, 2021, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff's application to proceed *in forma pauperis* be denied and that he be required to pay the \$400.00 filing fee in full to proceed with this action because: (1) he is subject to the three strikes bar under 28 U.S.C. § 1915(g); and (2) the allegations of plaintiff's complaint do not satisfy the "imminent danger of serious physical injury" exception to § 1915(g). (Doc. No. 4 at 2–4.) Those findings and recommendations were served on plaintiff and contained

1 notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at
2 5.) Plaintiff filed objections on January 14, 2021. (Doc. No. 5.) Therein, plaintiff contends that
3 he is the victim of an active and ongoing conspiracy to murder him in retaliation for his filing of
4 this lawsuit, which qualifies as a risk of imminent harm. (*Id.* at 2.) However, plaintiff does not
5 explain the nexus between the harm he claims to be facing and his cause of action brought in this
6 action that defendants are refusing to process his emergency appeal. Thus, as indicated in the
7 pending findings and recommendations, “[p]laintiff has not shown that he is in imminent danger
8 that would be redressed by this lawsuit.” (Doc. No. 4 at 4.)

9 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
10 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings
11 and recommendations to be supported by the record and by proper analysis.

12 Accordingly:

- 13 1. The findings and recommendations issued on January 6, 2021 (Doc. No. 4), are
14 adopted in full;
- 15 2. In accordance with 28 U.S.C. § 1915(g), plaintiff’s application to proceed *in forma*
16 *pauperis* (Doc. No. 2) is denied;
- 17 3. Within twenty-one (21) days following service of this order, plaintiff shall pay the
18 required \$400.00 filing fee in full to proceed with this action;
- 19 4. Plaintiff’s failure to pay the filing fee within the specified time will result in the
20 dismissal of this action; and
- 21 5. This matter is referred back to the assigned magistrate judge for proceedings
22 consistent with this order.

23 IT IS SO ORDERED.

24 Dated: **February 1, 2021**

25 
26 UNITED STATES DISTRICT JUDGE
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